

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION

BALCH AND BINGHAM, LLP)	
)	
Plaintiff,)	
)	
V.)	Case No: 2:14-cv-2041-JHE
)	
UNITED STATES OF AMERICA;)	
CLAIRE SUZANNE HOLLAND;)	
and FRANK AMODEO,)	
)	
Defendants.)	

ANSWER OF THE UNITED STATES OF AMERICA

COMES NOW the defendant, United States of America ("United States") in behalf of the United States Department of Justice ("DOJ") by and through its counsel, Joyce White Vance, United States Attorney for the Northern District of Alabama and Richard E. O'Neal, Assistant United States Attorney for said district, with regard to the allegations contained in the Interpleader Complaint and Request for Declaratory Judgment, the United States responds as follows:

JURISDICTION

1. The United States admits the allegation contained in paragraph one of the complaint.

VENUE

2. The United States admits the allegation contained in paragraph two of the complaint.

PARTIES

3. The United States admits the allegation contained in paragraph three of the complaint.

4. The United States admits the allegation contained in paragraph four of the complaint.

5. The United States admits the allegation contained in paragraph five of the complaint.

6. The United States is without information to form a belief as to the truth of the allegation contained in paragraph six of the complaint and demands strict proof thereof.

FACTUAL ALLEGATIONS

7. The United States is without information to form a belief as to the truth of the allegation contained in paragraph seven of the complaint and demands strict proof thereof.

8. The United States is without information to form a belief as to the truth of the allegation contained in paragraph eight of the complaint and demands strict proof thereof.

9. The United States is without information to form a belief as to the truth of the allegation contained in paragraph nine of the complaint and demands strict proof thereof.

10. The United States is without information to form a belief as to the truth of the allegation contained in paragraph ten of the complaint and demands strict proof thereof.

11. The United States is without information to form a belief as to the truth of the allegation contained in paragraph eleven of the complaint as it relates to the claims of the defendants, Frank Amodeo and Claire Suzanne Holland. The asserts that to the extent it is determined that the defendant, Frank Amodeo ("Amodeo") has an interest in the interpleader fund, any funds that are due to be Amodeo are due to be paid to the United States. Payment is warranted by virtue of the judgment rendered on May 26, 2009 in favor of the United States in the case of United States of America v. Frank Amodeo, Case No: 6:08-CR-176-ORL-28GJK . As of November 4, 2014, the amount due the United States on the judgment was \$186,448,102.50. The Department of Justice Lien was recorded with the

Comptroller of Orange County, FL on September 9, 2009. A copy of the judgment is attached hereto as Exhibit A.

12. The United States is without information to form a belief as to the truth of the allegation contained in paragraph twelve of the complaint and demands strict proof thereof.

13. The United States admits the allegation contained in paragraph thirteen of the complaint and demands strict proof thereof.

14. The United States admits the allegation contained in paragraph fourteen of the complaint.

15. The United States admits the allegation contained in paragraph fifteen of the complaint.

16. The United States has no objection to the request contained in paragraph sixteen of the complaint.

17. The United States admits the allegation contained in paragraph seventeen of the complaint.

Affirmative Defenses

First Defense

The United States reserves the right to plead any and all affirmative defenses or any other applicable state and federal statute which through discovery it learns may be applicable.

Respectfully submitted on this the 3rd day of February 2015.

JOYCE WHITE VANCE
United States Attorney

/s/Richard E. O'Neal
RICHARD E. O'NEAL
Assistant United States Attorney
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Birmingham, Alabama 35203
Tel. No. (205) 244-2120
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EXHIBIT A

For Optional Use by Recording Office

CLM

DEPARTMENT OF JUSTICE
NOTICE OF LIEN
PURSUANT TO THE

MANDATORY VICTIMS' RESTITUTION ACT OF 1996

United States Attorneys Office for
MIDDLE DISTRICT OF FLORIDA

Serial Number _____

Notice is hereby given of a lien against the property of the defendant named below. Pursuant to Title 18, United States Code, Section 3613(c), a fine imposed pursuant to the provisions of subchapter C of Chapter 227, or an order of restitution imposed pursuant to Sections 2248, 2259, 2264, 2327, 3663, 3663A, or 3664 of Title 18 U.S.C. is a lien in favor of the United States upon all property and rights to the property of the person fined. Pursuant to §3613(d) a notice of lien shall be considered a notice of lien for taxes payable to the United States for the purposes of any State or local law providing for the filing of a tax lien. The lien arises at the time of the entry of judgment and continues until the liability is satisfied, remitted, or set aside, or until it becomes unenforceable pursuant to §3613(b).

Name of Defendant: **Frank Amodeo**SSN: **XXX-XX-7091**Residence: **Orlando, FL 32806**Amount: Special Assessment: **\$500.00** Restitution: **\$181,810,518.66**Court Imposing Judgment: **U.S. District Court, Middle District of Florida, Orlando Division**Court Number: **6:08-CR-176-ORL-28GJK**Date of Judgment: **May 26, 2009**

Pursuant to U.S.C. 18 §3612(f), interest accrues, at the legal rate in effect on the 15th day following the date of judgment, on any fine or restitution of more than \$2,500.00, unless the fine or restitution is paid before the 15th day following the date of judgment or interest is waived by the court.

If payment becomes past due, possible penalties totaling 25 percent of the principal amount past due may arise. 18 U.S.C. §3612(g).

IMPORTANT RELEASE INFORMATION--Pursuant to 18 U.S.C. §3613(b), the liability to pay a fine shall terminate the later of 20 years from the entry of judgment or 20 years after the release from imprisonment of the person fined, or upon the death of the individual fined.

Place of Filing: **Clerk of Circuit Court, Orange County, Florida**

This notice was prepared and signed at 400 Tampa Street, Tampa, Florida on this, the 17th day of September, 2009.

A. BRIAN ALBRITTON
United States Attorney

Patricia A. Willing
PATRICIA A. WILLING

Assistant United States Attorney
Florida Bar Number 340251

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Martha O. Haynie, Comptroller
Orange County FL
MB - Ret To: US DEPT OF JUSTICE - TAMP



CERTIFICATE OF SERVICE

This is to certify that a copy of the foregoing has been served on the following by first-class United States Mail, properly addressed and postage prepaid on this the 3rd day of February 2015.

Mr. Christopher F. Heinss, Esq
Attorney for Plaintiff
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Ms. Suzanne Claire Holland
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/s/ Richard E. O'Neal
RICHARD E. O'NEAL
Assistant United States Attorney